

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



UNITED STATES OF AMERICA,

v.

24-CR-88 (JLS) (HKS)

KEISHMER RIVERA-VALENTIN,

Defendant.

DECISION AND ORDER

Defendant Keishmer Rivera-Valentin is charged in a two-count indictment with: (1) possession of cocaine with intent to distribute; and (2) maintaining a premises to manufacture, distribute, and use cocaine. *See* Dkt. 4. United States Magistrate Judge H. Kenneth Schroeder, Jr., was designated to hear and determine, and report and recommend on, all pre-trial proceedings under 28 U.S.C. §§ 636(b)(1)(A) and (B). Dkt. 6.

Rivera-Valentin moved to suppress evidence seized pursuant to a June 5, 2024 search warrant for (1) his person, (2) 204 Geary Street, Upper, Buffalo, New York, and (3) a grey 2019 Dodge Ram. *See* Dkt. 24; *see also* 24-mj-49, at Dkt. 1 (search warrant application). The Government opposed Rivera-Valentin's motion. Dkt. 25. Rivera-Valentin did not reply.

On January 7, 2025, Judge Schroeder issued a Report, Recommendation, and Order ("R&R"), recommending that this Court deny Rivera-Valentin's motion to suppress, in its entirety. Dkt. 27. Neither Rivera-Valentin nor the Government objected to the R&R, and the time to do so has expired. *See* 28 U.S.C. § 636(b)(1);

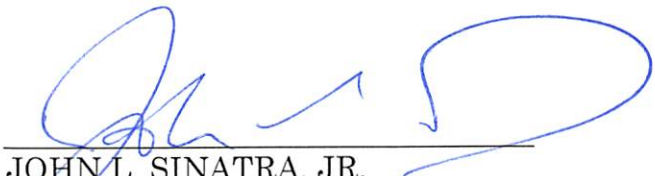
Fed. R. Crim. P. 59(b)(2); *see also* Dkt. 29 (Notice of Lack of Objections to Report and Recommendation).

A district court may accept, reject, or modify the findings or recommendations of a magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Crim. P. 59(b)(3). A district court must conduct a *de novo* review of those portions of a magistrate judge's recommendation to which a party objects. 28 U.S.C. § 636(b)(1); Fed. R. Crim. P. 59(b)(3). But a district court need not review the recommendation of a magistrate judge to which no objections are raised. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985).

Though not required to do so here, this Court nevertheless reviewed Judge Schroeder's R&R and the relevant record. Based on that review, and absent any objections, the Court accepts and adopts Judge Schroeder's recommendation to deny Rivera-Valentin's motion. As a result, the Court DENIES Rivera-Valentin's motion to suppress (Dkt. 24), in its entirety.

SO ORDERED.

Dated: January 28, 2025
Buffalo, New York



JOHN L. SINATRA, JR.
UNITED STATES DISTRICT JUDGE